PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

<table>
<tr><td>To:
W. KARL RENNER
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022</td><td colspan="2"># PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)</td></tr>
</table>

<table>
<tr><td colspan="2"></td><td>Date of mailing
(*day/month/year*)</td><td>**18 JUN 2008**</td></tr>
<tr><td colspan="2">Applicant's or agent's file reference

06975-653WO1</td><td colspan="2">**FOR FURTHER ACTION**
See paragraph 2 below</td></tr>
<tr><td colspan="2">International application No.

PCT/US07/62321</td><td>International filing date *(day/month/year)*

16 February 2007 (16.02.2007)</td><td>Priority date *(day/month/year)*

27 February 2006 (27.02.2006)</td></tr>
<tr><td colspan="4">International Patent Classification (IPC) or both national classification and IPC

IPC: G06F 3/048(2006.01),3/00(2006.01)
USPC: 715/706,753</td></tr>
<tr><td colspan="4">Applicant

AMERICA ONLINE, INC.</td></tr>
</table>

1. This opinion contains indications relating to the following items:

☒   Box No. I   Basis of the opinion

☐   Box No. II   Priority

☐   Box No. III   Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐   Box No. IV   Lack of unity of invention

☒   Box No. V   Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐   Box No. VI   Certain documents cited

☐   Box No. VII   Certain defects in the international application

☐   Box No. VIII   Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis(b)* that written opinions of this International Searching Authority will not be so considered.

If this opinion is. as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options. see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

<table>
<tr><td>Name and mailing address of the ISA/ US
    Mail Stop PCT, Attn: ISA/US
    Commissioner for Patents
    P.O. Box 1450
    Alexandria, Virginia 22313-1450
Facsimile No. (571) 273-3201</td><td>Date of completion of this opinion

03 June 2008 (03.06.2008)</td><td>Authorized officer

Dennis Chow

Telephone No. (571)272-4700</td></tr>
</table>

Form PCT/ISA/237 (cover sheet) (April 2007)

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

   a. type of material

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in electronic form.

   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-29	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	NONE	YES
	Claims	1-29	NO
Industrial applicability (IA)	Claims	1-29	YES
	Claims	NONE	NO

2. Citations and explanations:

Please See Continuation Sheet

Supplemental Box
In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-29 lack an inventive step under PCT Article 33(3) as being obvious over Kim in view of Green et al.

Regarding claim 1, Kim teaches a computer program product tangibly embodied in an computer readable medium, the computer program product including an avatar that is configured to display multiple animations in an instant messaging communication session between two users and instructions that, when executed, perform operations comprising: and configure an appearance of the avatar in response to the received information. More specifically, FIG. 1B shows an example of a graphic chatroom as it appears on the monitor of a display device, typically a computer 30. One or more participants in a graphic chatroom may assume an animated on-screen personality called "avatar." (Kim, col 2, lines 3-7). An avatar's response to the input appears to be real-time to a participant 20. Manipulation of an avatar can result in not only moving an avatar from one locale to another on the screen, but also expressing emotions, dancing, sending a text message, or sleeping, among other options (Kim, col 2, lines 17-24). Real-time online communication methods, such as America Online Instant Messenger, may eventually become graphic and implement organizational avatars (Kim, col 6, lines 59-61).

However, Kim does not teach access information identifying an event or a subject visually represented by the avatar; receive information related to events related to the event or the subject visually represented by the avatar.

Greene et al. discloses an avatar is an object personification of the attributes of a person, team, group, or the like, which represents specific qualities associated with the subject of the avatar (Greene, abstract, lines 10-14). Any service requesting information associated with the avatar object locates this proxy using existing NewWave protocols, and then communicates with the avatar through its proxy (Greene, abstract, lines 26-30). The user avatar is a representation of a person as a service, invoke-able by other software services; a virtualization of the individual, the current state of the individual and the current interface to the individual (Greene, [0483], lines 1-4). Avatarservice 4013 provides convenience methods to the DataBus for the user avatar synchronization functions (Greene, [0495], lines 7-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made given the teachings of Kim with Greene et al. that a computer program product for displaying an avatar with multiple animations would include retrieving information about events pertaining to the subject matter represented by the avatar, would be readily apparent. Kim's disclosure pertains to having an avatar for an online chat or instant messaging application that performs changes or animations base on information received. Greene et al. discloses that information associated with the avatar can be requested, and that avatar then represents the requested information. One of ordinary skill in the art of implementing a computer program product that displays an avatar that performs multiple animations as a result of incoming information during an instant messaging session would include retrieving up to date information pertaining to the

Supplemental Box
In case the space in any of the preceding boxes is not sufficient.

subject matter the avatar represents. One would therefor be motivated to combine these teachings as in doing so would create this method for displaying multiple animations for an avatar during an instant messaging session.

Regarding claim 2, Kim and Greene et al. teach the computer program product of claim 1, wherein configuring the appearance of the avatar comprises configuring the avatar to play an animation. More specifically, FIG. 1B shows an example of a graphic chatroom as it appears on the monitor of a display device, typically a computer 30. One or more participants in a graphic chatroom may assume an animated on-screen personality called "avatar." (Kim, col 2, lines 3-7).

Regarding claim 3, Kim and Greene et al. teach the computer program product of claim 1 wherein configuring the appearance of the avatar comprises configuring the avatar to be displayed in association with an object. More specifically, avatars can move freely throughout sites, express themselves through gestures and body language, as well as interact with the environment by playing games, moving objects, decorating rooms, participating in presentations with other users, and making purchases from interests generated from within the chatroom (Kim, col 3, lines 49-55).

Regarding claim 4, Kim and Greene et al. teach the computer program product of claim 1 wherein configuring the appearance of the avatar comprises configuring an object associated with the avatar to play an animation. More specifically, avatars can move freely throughout sites, express themselves through gestures and body language, as well as interact with the environment by playing games, moving objects (animating), decorating rooms, participating in presentations with other users, and making purchases from interests generated from within the chatroom (Kim, col 3, lines 49-55).

Regarding claim 5, Kim and Greene et al. teach the computer program product of claim 1 wherein configuring the appearance of the avatar comprises configuring a wallpaper that defines a visually perceivable background for the avatar to change appearance. More specifically, an organization may set up a chatroom (also called "organizational chatroom") with a background that is related to (e.g. has the same trade dress as) its product or service, and use an organizational avatar as the host of the organizational chatroom (Kim, col 5, lines 62-66).

Regarding claims 6, Kim and Greene et al. teach the computer program product of claim 1 wherein: the accessed information identifying the event or the subject represented by the avatar indicates that the avatar represents a sports team, the received information relates to performance of the sports team, and configuring the appearance of the avatar comprises configuring the appearance of the avatar to reflect the performance of the sports team. More specifically, FIG. 5E illustrates a computer screen showing organizational avatars wherein the organizational avatars are sports team mascot(s) (Kim, col 7, lines 60-65). Avatars are capable of having a sport team subject matter, as Greene et al. discloses information is retrieved based on the subject matter of the avatar as cited earlier.

Regarding claim 7, Kim and Greene et al teach the computer program product of claim 6 wherein the received information relates to a live performance during a competition involving the sports team. More specifically, FIG. 5E illustrates a computer screen showing organizational avatars wherein the organizational avatars are sports team mascot(s) (Kim, col 7, lines 60-65). Avatars are capable of having a sport team subject matter, as Greene et al. discloses information is retrieved based on the subject matter of the avatar as cited earlier.

Regarding claim 8, Kim and Greene et al. teach the computer program product of claim 6 wherein the received information reflects a score of or by a sporting event involving the sports team. More specifically, FIG. 5E illustrates a computer screen showing organizational avatars wherein the organizational avatars are sports team mascot(s) (Kim, col 7, lines 60-65). Avatars are capable of having a sport team subject matter, as Greene et al. discloses information is retrieved based on the subject matter of the avatar as cited earlier.

Regarding claim 9, Kim and Greene et al. teach the computer program product of claim 1 and are capable of having the identifying the event or the subject represented by the avatar includes identifying information indicating that the avatar represents a candidate for political office, receiving information includes receiving information relating to polling information for an election for the political office during the election, and configuring the appearance of the avatar comprises configuring the appearance of the avatar to reflect the polling information. More specifically, an organizational avatar may discuss topics that are unrelated to the organization (such as news events, politics, sports, history etc) in the manner of discussions in the real world (Kim, col 16, lines 44-46). An avatar can take the form of a political subject, as Greene et al. discloses information is retrieved based on the subject matter of the avatar as cited earlier.

Regarding claim 10, Kim and Greene et al. teach the computer program product of claim 1 wherein receiving information related to the event or the subject represented by the avatar occurs in substantially real-time with the development of news conveyed in the information. More specifically, the primary MQC component services are assessor 3504, aggregator 3506, dispatcher 3508, distributor 3510, avatar 3512, archive 3514 and work rendezvous 3516 (Greene, [0402], lines 7-10). Aggregator 3506 also provides real-time binding of associated corporate business objects to the document including binding an event to many different documents (Greene, [0403], lines 5-7). In another embodiment, message 143 is not about the organization, e.g. may be about current topics in the news (Kim, col 14, lines 22-24).

Regarding claim 11, Kim and Greene et al. teach the computer program product of claim 1 wherein configuring an appearance of the avatar in response to the received information occurs in substantially real-time after the information related to the event or the subject . represented by the avatar is received. More specifically, an avatar's response to the input (information retrieved, Greene et al.) appears to

Supplemental Box
In case the space in any of the preceding boxes is not sufficient.

be real-time to a participant 20 (Kim, col 2, lines 18-19).

Regarding claim 12, Kim and Greene et al. teach the computer program product of claim 1 wherein accessing information comprises accessing metadata associated with the avatar, the metadata identifying the event or the subject represented by the avatar. More specifically, UA (avatar) 4012 is registered with attributes (meta-data) including primary key (PK), login ID and name (Greene et al., [0483]).

Regarding claim 13, Kim and Greene et al. teach the computer program product of claim 1 wherein configuring the appearance of the avatar comprises configuring the avatar to play an animation and to play a sound related to the animation. More specifically, a generic avatar that is animated allows a user to interact with an organizational avatar not just by text and sound, but also by movement of limbs and/or gestures (Kim, col 15, lines 7-10).

Regarding claim 14, Kim and Greene et al. teach the computer program product of claim 1 further configured to enable perception of an avatar configured at a time independent of an instant message communication between the users of the instant messaging communication session. More specifically, In such a graphic chatroom, avatar 9 is displayed (see act 10) by computer 30 at an initial location on monitor 38 (FIG. 1A), and thereafter computer 30 checks if the mouse has moved (in act 11), and if so, receives (in act 12) the new position, and transfers the new position to other computers (of other participants in the chat session), and displays (in act 13) the avatar in the new location on monitor 38 (Kim, col 2, lines 9-15). Mouse movement is independent of communication.

Regarding claim 15, Kim teaches a method, performed at least partially on a computer, for modifying an avatar, the method comprising: accessing information identifying an event or a subject visually represented by an avatar, the avatar being configured to display multiple animations in an instant messaging communication session between two users and being associated with one of the two users. More specifically, FIG. 1B shows an example of a graphic chatroom as it appears on the monitor of a display device, typically a computer 30. One or more participants in a graphic chatroom may assume an animated on-screen personality called "avatar." (Kim, col 2, lines 3-7). An avatar's response to the input appears to be real-time to a participant 20. Manipulation of an avatar can result in not only moving an avatar from one locale to another on the screen, but also expressing emotions, dancing, sending a text message, or sleeping, among other options (Kim, col 2, lines 17-24). Real-time online communication methods, such as America Online Instant Messenger, may eventually become graphic and implement organizational avatars (Kim, col 6, lines 59-61).

However, Kim does not teach receiving information related to events related to the event or the subject visually represented by the avatar; and configuring an appearance of the avatar in response to the received information.

Greene et al. discloses an avatar is an object personification of the attributes of a person, team, group, or the like, which represents specific qualities associated with the subject of the avatar (Greene, abstract, lines 10-14). Any service requesting information associated with the avatar object locates this proxy using existing NewWave protocols, and then communicates with the avatar through its proxy (Greene, abstract, lines 26-30). The user avatar is a representation of a person as a service, invoke-able by other software services; a virtualization of the individual, the current state of the individual and the current interface to the individual (Greene, [0483], lines 1-4). Avatar service 4013 provides convenience methods to the DataBus for the user avatar synchronization functions (Greene, [0495], lines 7-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made given the teachings of Kim with Greene et al. that a computer program product for displaying an avatar with multiple animations would include retrieving information about events pertaining to the subject matter represented by the avatar, would be readily apparent. Kim's disclosure pertains to having an avatar for an online chat or instant messaging application that performs changes or animations base on information received. Greene et al. discloses that information associated with the avatar can be requested, and that avatar then represents the requested information. One of ordinary skill in the art of implementing a computer program product that displays an avatar that performs multiple animations as a result of incoming information during an instant messaging session would include retrieving up to date information pertaining to the subject matter the avatar represents. One would therefor be motivated to combine these teachings as in doing so would create this method for displaying multiple animations for an avatar during an instant messaging session.

Regarding claim 16, Kim and Greene et al. teach the method of claim 15 wherein configuring the appearance of the avatar comprises configuring the avatar to play an animation. More specifically, FIG. 1B shows an example of a graphic chatroom as it appears on the monitor of a display device, typically a computer 30. One or more participants in a graphic chatroom may assume an animated on-screen personality called "avatar." (Kim, col 2, lines 3-7).

Regarding claim 17, Kim and Greene et al. teach the method of claim 15 wherein configuring the appearance of the avatar comprises configuring the avatar to be displayed in association with an object. More specifically, avatars can move freely throughout sites, express themselves through gestures and body language, as well as interact with the environment by playing games, moving objects, decorating rooms, participating in presentations with other users, and making purchases from interests generated from within the chatroom (Kim, col 3, lines 49-55).

Regarding claim 18, Kim and Greene et al. teach the method of claim 15 wherein configuring the appearance of the avatar comprises configuring an object associated with the avatar to play an animation. More specifically, avatars can move freely throughout sites, express themselves through gestures and body language, as well as interact with the environment by playing games, moving objects (animating), decorating rooms, participating in presentations with other users, and making purchases from interests generated from within the chatroom (Kim, col 3, lines 49-55).

Supplemental Box
In case the space in any of the preceding boxes is not sufficient.

Regarding claim 19. Kim and Greene et al. teach the method of claim 15 wherein configuring the appearance of the avatar comprises configuring a wallpaper that defines a visually perceivable background for the avatar to change appearance. More specifically, an organization may set up a chatroom (also called "organizational chatroom") with a background that is related to (e.g. has the same trade dress as) its product or service, and use an organizational avatar as the host of the organizational chatroom (Kim, col 5, lines 62-66).

Regarding claim 20. Kim and Greene et al. teach the method of claim 15 wherein: the accessed information identifying the event or the subject represented by the avatar indicates that the avatar represents a sports team. the received information relates to performance of the sports team, and configuring the appearance of the avatar comprises configuring the appearance of the avatar to reflect the performance of the sports team. More specifically, FIG. 5E illustrates a computer screen showing organizational avatars wherein the organizational avatars are sports team mascot(s) (Kim, col 7, lines 60-65). Avatars are capable of having a sport team subject matter, as Greene et al. discloses information is retrieved based on the subject matter of the avatar as cited earlier.

Regarding claim 21. Kim and Greene et al. teach the method of claim 20 wherein the received information relates to a live performance during a competition involving the sports team. More specifically, FIG. 5E illustrates a computer screen showing organizational avatars wherein the organizational avatars are sports team mascot(s) (Kim, col 7, lines 60-65). Avatars are capable of having a sport team subject matter, as Greene et al. discloses information is retrieved based on the subject matter of the avatar as cited earlier.

Regarding claim 22, Kim and Greene et al. teach the method of claim 20 wherein the received information reflects a score of or by a sporting event involving the sports team. More specifically. FIG. 5E illustrates a computer screen showing organizational avatars wherein the organizational avatars are sports team mascot(s) (Kim, col 7, lines 60-65). Avatars are capable of having a sport team subject matter, as Greene et al. discloses information is retrieved based on the subject matter of the avatar as cited earlier.

Regarding claim 23, Kim and Greene et al. teach the method of claim 15 wherein: identifying the event or the subject represented by the avatar includes identifying information indicating that the avatar represents a candidate for political office, receiving information includes receiving information relating to polling information for an election for the political office during the election, and configuring the appearance of the avatar comprises configuring the appearance of the avatar to reflect the polling information. More specifically, an organizational avatar may discuss topics that are unrelated to the organization (such as news events, politics, sports, history etc) in the manner of discussions in the real world (Kim, col 16, lines 44-46). An avatar can take the form of a political subject, as Greene et al. discloses information is retrieved based on the subject matter of the avatar as cited earlier.

Regarding claim 24, Kim and Greene et al. teach the method of claim 15 wherein receiving information related to the event or the subject represented by the avatar occurs in substantially real-time with the development of news conveyed in the information. More specifically. the primary MOC component services are assessor 3504, aggregator 3506, dispatcher 3508, distributor 3510, avatar 3512, archive 3514 and work rendezvous 3516 (Greene, [0402], lines 7-10). Aggregator 3506 also provides real-time binding of associated corporate business objects to the document including binding an event to many different documents (Greene, [0403], lines 5-7). In another embodiment, message 143 is not about the organization, e.g. may be about current topics in the news (Kim, col 14, lines 22-24).

Regarding claim 25, Kim and Greene et al. teach the method of claim 15 wherein configuring an appearance of the avatar in response to the received information occurs in substantially real-time after the information related to the event or the subject represented by the avatar is received. More specifically, an avatar's response to the input (information retrieved, Greene et al.) appears to be real-time to a participant 20 (Kim, col 2, lines 18-19).

Regarding claim 26, Kim and Greene et al. teach the method of claim 15 wherein accessing information comprises accessing metadata associated with the avatar, the metadata identifying the event or the subject represented by the avatar. More specifically, an avatar's response to the input (information retrieved, Greene et al.) appears to be real-time to a participant 20 (Kim, col 2, lines 18-19).

Regarding claim 27, Kim and Greene et al. teach the method of claim 15 wherein configuring the appearance of the avatar comprises configuring the avatar to play an animation and to play a sound related to the animation. More specifically, a generic avatar that is animated allows a user to interact with an organizational avatar not just by text and sound, but also by movement of limbs and/or gestures (Kim, col 15, lines 7-10).

Regarding claim 28 Kim and Greene et al. teach the method of claim 15 further comprising enabling perception of an avatar configured at a time independent of an instant message communication between the users of the instant messaging communication session. More specifically. in such a graphic chatroom, avatar 9 is displayed (see act 10) by computer 30 at an initial location on monitor 38 (FIG. 1A). and thereafter computer 30 checks if the mouse has moved (in act 11), and if so, receives (in act 12) the new position, and transfers the new position to other computers (of other participants in the chat session), and displays (in act 13) the avatar in the new location on monitor 38 (Kim, col 2, lines 9-15). Mouse movement is independent of communication.

Regarding claim 29, this claim states the system that performs the steps of the method of claim 15. thus the same rationale of rejection is applicable.